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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 17 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202)
FM Table of Assignments)
(Cusseta, Georgia))

MM Docket No. 92-239
RM 8089

To: Chief, Policy and Rules Division

DEC 17 1992

COMMENTS

Chattahoochee County Broadcasting ("Petitioner") by counsel herewith submits its Comments in support of the Commission's Notice of Proposed Rulemaking (DA 92-1335), released October 26, 1992, wherein the Commission proposed the assignment of FM Channel 279A at Cusseta, Georgia, thereby amending Section 73.202 of the Commission's Rules, FM Table of Assignment, as follows:

City	Channel No.
Cusseta, Georgia	279A

1. In its Petition for Rulemaking, Petitioner sought the allocation of Channel 266A to Cusseta, Georgia, as its first local service. In its Notice of Proposed Rulemaking the Commission noted that the allocation of Channel 266A to Cusseta, Georgia, was in conflict with competing proposals at Thomaston, Georgia

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(RM-8072) and Smiths, Alabama (MM Docket No. 92-199). 1/

Accordingly, the Commission sought to locate an alternative channel for allocation at Cusseta, which would not conflict with any other pending proposal.

2. In the Notice of Proposed Rulemaking the Commission indicated that FM Channel 279A could be assigned to Cusseta, Georgia, in lieu of Channel 266A, in full compliance with all applicable minimum mileage separation and other technical requirements under the Commission's Rules at Petitioner's desired transmitter site. However, as reflected in the attached FM Channel Spacing Study, the allocation of Channel 279A to Cusseta would result in significant co-channel shortspacing to WEGC(FM), Leesburg, Georgia, which is licensed to operate on Channel 279A. While the Commission has taken preliminary action to substitute Channel 278C3 for 279A at Leesburg, WEGC(FM) is not currently licensed to operate on Channel 278C3, has no application for license pending nor does it hold any construction permit. More significantly, the Commission's records do not reflect that WEGC(FM) has filed any application for construction permit to specify operation on Channel 278C3. Therefore, it must be concluded that the proposed substitution of Channel 278C3 for 279A at Leesburg, Georgia, has not been implemented as of this

1. Petitioner's review of the Commission's records, relating to the competing proposals at Thomaston, Georgia ((RM-8072) and Smiths, Alabama (MM Docket No. 92-199), indicates that Petitioner's proposed use of Channel 266A at Cusseta, Georgia, was timely submitted with respect to the deadlines for consideration with those proposals and is entitled to protection.

date and under such circumstances it may not be presumed that Channel 279A will be available for allocation to Cusseta.

Accordingly, inasmuch as the allocation of Channel 279A at Cusseta is contingent upon the substitution of Channel 278C3 for 279A at Leesburg, Georgia, which has not been implemented, it must be concluded that the Channel 279A is only potentially available for allocation at Cusseta.

3. Petitioner seeks that allocation of an FM Channel to Cusseta, Georgia. While the use of Channel 266A at Cusseta is in conflict with competing proposals at Thomaston, Georgia and Smiths, Alabama, Channel 279A is only potentially available for allocation at Cusseta, inasmuch as the proposed substitution of Channel 278C3 for 279A at Leesburg, Georgia, has not been implemented. Accordingly, given the contingent nature of the availability of Channel 279A and the fact that Petitioner's Petition for Rulemaking was timely submitted vis a vis the proposed competing uses of Channel 266A at Thomaston, Georgia and Smiths, Alabama, Petitioner is entitled to protection with respect to its proposal requesting the allocation of Channel 266A at Cusseta and the Commission should take no action which would preclude the allocation of Channel 266A at Cusseta, Georgia, until such time as the contingency relating to the availability of Channel 279A is resolved and WEGC(FM) is license to operate on Channel 278C3.

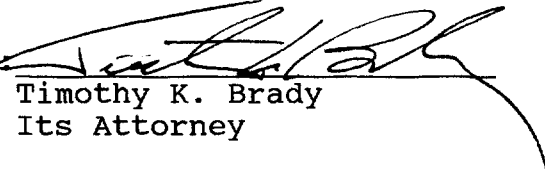
4. Upon issuance of an Order implementing the proposed Channel assignment, whether Channel 266A or 279A, Chattahoochee County Broadcasting will promptly prepare and file the necessary application and, having obtained authorization to do so, will promptly construct the facilities requested.

5. Therefore, inasmuch as the proposed Channel assignment would allow provide the community of Cusseta with its first local transmission outlet and can be implemented in compliance with Commission Rules, Chattahoochee County Broadcasting urges the Commission to assign either Channel 279A, as proposed in the above referenced Notice of Proposed Rulemaking, or Channel 266A, as advanced in Petitioner's Petition for Rulemaking, to Cusseta, Georgia.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202 of its Rules by assigning either FM Channel 266A or 279A at Cusseta, Georgia.

Respectfully Submitted,

CHATTAHOOCHEE COUNTY BROADCASTING

By 
Timothy K. Brady
Its Attorney

P.O. Box 986
Brentwood, TN 37027-0986
(615) 371-9367

December 17, 1992

FM CHANNEL SPACING STUDY

Job title: Cusseta, GA

Latitude: 32 18 18

Channel: 279A

Longitude: 84 46 30

Database file name: d:\fccdata\fm921005.edx

Pre-1989 Class A spacings?: N
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
279A		6082	Broxton	GA	USED	111.5	187.4	115.0	72.4
279A	WWEA	6083	Broxton	GA	CP	114.3	198.4	115.0	83.4
279A		6665	Irwinton	GA	USED	68.9	160.9	115.0	45.9
279A	WVKX	6666	Irwinton	GA	CP	66.3	162.3	115.0	47.3
280A	WCEHFM	6678	Hawkinsville	GA	LIC	90.9	125.6	72.0	53.6
280A		6692	Hawkinsville	GA	USED	90.9	125.6	72.0	53.6
280C3	WCEH	6697	Hawkinsville	GA	ADD	97.5	106.7	89.0	17.7
280A	WCEH	6715	Hawkinsville	GA	DEL	90.9	125.6	72.0	53.6
279A	WEGC	7270	Leesburg	GA	LIC	143.9	92.9	115.0	-22.1
278C3		7285	Leesburg	GA	VACANT	138.1	97.2	89.0	8.2
226A	WDKZ	7288	Blakely	GA	APP	183.2	107.8	10.0	97.8
279A		7314	Cusseta	GA	ADD	.0	.0	115.0	-115.0
277C		7375	Atlanta	GA	USED	14.1	166.5	95.0	71.5
277C	WVEE	7376	Atlanta	GA	LIC	14.1	166.5	95.0	71.5
281C1		7377	La Grange	GA	USED	357.4	122.9	75.0	47.9
281C1	WYAI	7391	La Grange	GA	LIC	357.4	122.9	75.0	47.9
280C3	WQLS	7971	Ozark	AL	CP	218.0	121.5	89.0	32.5
280A	WQLS	7973	Ozark	AL	APP	218.0	121.5	72.0	49.5
280A	WQLS	7980	Ozark	AL	LIC	218.0	121.5	72.0	49.5
280C3		8011	Ozark	AL	USED	214.3	121.9	89.0	32.9
279A		8613	Andalusia	AL	USED	236.6	192.6	115.0	77.6
279A	WAAOFM	8625	Andalusia	AL	LIC	236.6	192.6	115.0	77.6
282C1		8651	Luverne	AL	ADD	257.2	118.8	75.0	43.8
277C	WSYAFM	8657	Montgomery	AL	LIC	275.0	134.3	95.0	39.3
277C		8658	Montgomery	AL	USED	275.0	134.3	95.0	39.3
279C	WQEN	8673	Gadsden	AL	LIC	324.2	227.0	226.0	1.0
279C		8701	Gadsden	AL	USED	324.2	227.0	226.0	1.0

***** End of channel 279 study *****

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